IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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C.W.P NO. 2041 OF 2006

Date of decision : September 11, 2006

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Nishan Singh .....Petitioner

Vs.

Union of India & others .....Respondents

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CORAM: HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S BHALLA

Present: Mr. Rajeshwar Singh, Advocate for the petitioner(s).
Mr. Ashwani Bansal, Advocate for respondents no. 1 to 3.
Mr. Sukhdip Singh Brar, Additional Advocate General, Punjab for respondent no.4.

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Viney Mittal, J. (Oral)

The petitioner has approached this Court for issuance of directions to the respondents to issue him a passport. It has been claimed by the petitioner that no criminal case is pending against him and as such, when he had filed the application for obtaining a passport on March 31, 2005, there was absolutely no justification for the authorities not to issue the passport.

Written statement on behalf of respondent no.4 has been filed. In the aforesaid written statement, it has been maintained that in the year 1988, an FIR No.32 dated June 28, 1988 under the Terrorists and Disruptive Activities (Prevention) Act and Official Secrets Act ,1923 was registered

against the petitioner by the Police of Police Station, Narot Jaimal Singh. However, it has also been conceded by the said respondent that in the trial, the petitioner was acquitted of the said charges vide judgement dated September 2, 1996. The respondents have also maintained that keeping in view the aforesaid fact, the application for issuance of the passport was not recommended by the police.

Keeping in view the facts and circumstances and also the fact that the petitioner had since been acquitted of the criminal charges way back in the year 1996, we deem it appropriate that the case of the petitioner be reconsidered.

In this view of the matter, without commenting upon the claim made by the petitioner, we dispose of the present petition with a request to the Director General of Police (Intelligence) Punjab, Chandigarh-respondent no.4 to reconsider the claim of the petitioner for issuance of the passport. While reconsidering the claim of the petitioner, the acquittal of the petitioner vide judgement dated September 2, 1996 passed by the criminal Court shall also be taken into consideration. The aforesaid exercise shall be conducted by the Director General of Police within 4 months from the date a certified copy of the order is received and thereafter further appropriate action shall be taken in accordance with law.

Copy of the order be given dasti on payment of the usual charges.

(VINEY MITTAL)
JUDGE

September 11, 2006
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(H.S BHALLA)
JUDGE